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1 IDAHO DEPT. OF WATER RESOURCES

WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO

County of Canyon

)
)SS.
)

WATER RESOURCES
WESTERN REGION

Barbara Spencer
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principle Clerk of the Emmett Messenger-Index, a weekly newspaper published in the City of Emmett, in the County of Gem, State of Idaho; that the said newspaper is in general circulation in the said County of Gem, and in the vicinity of Emmett, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 times(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

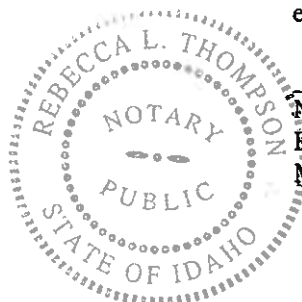
4. That said notice was published the following:

03/17/2010 03/24/2010

Barbara Spencer
STATE OF IDAHO)
County of Canyon)

On this 24th day of March in the year of 2010 before me a Notary Public, personally appeared. Barbara Spencer, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.

Rebecca L Thompson
Notary Public for Idaho
Residing at Nampa
My Commission expires April 19, 2014



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LEGAL NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-33342

GAIUS J CUNNINGHAM
KATHLEEN A CUNNINGHAM
9798 ARNOLD RD
BOISE, ID 83703

Point of Diversion NWNWE S15 T06N R01E GEM County Source SPRING
Tributary WILLOW CREEK
Use: STOCKWATER 01/01 to 12/31 0.07 CFS
Total Diversion: 0.07 CFS
Date Filed: 3/2/2010
Place Of Use: STOCKWATER
T06N R01E S15 NWSE

63-33254

GAIUS J CUNNINGHAM
KATHLEEN A CUNNINGHAM
9798 ARNOLD RD
BOISE, ID 83703

Point of Diversion SESENW S15 T06N R01E GEM County Source SPRING
Tributary WILLOW CREEK
Use: STOCKWATER 01/01 to 12/31 0.07 CFS
Total Diversion: 0.07 CFS
Date Filed: 7/30/2009
Place Of Use: STOCKWATER
T06N R01E S15 SENW

65-23348

PATRICIA ANN FINLEY
PO BOX 7785
BOISE, ID 83707

Point of Diversion NWNW S16 T07N R01E GEM County Source SQUAW CREEK
Tributary PAYETTE RIVER
Use: IRRIGATION 03/01 to 11/15 0.06 CFS
Total Diversion: 0.06 CFS
Date Filed: 6/29/2009
Place Of Use: IRRIGATION
T07N R01E S9 SWSW
T07N R01E S16 NWNW

Total Acres: 10
Applicant proposes irrigation of 2 acres within the 10 acre place of use.

PROPOSED CHANGE OF WATER RIGHT(S)

Ann Finley of PO Box 7785 Boise ID 83707 filed Application No. 75730 to transfer two water rights with 1990 priority dates from Squaw Creek totaling 0.18 cfs. The transfer proposes to split one of the rights, add a new point of diversion, and create a permissible place of use for irrigation of 7.3 acres with 0.10 cfs on the applicant's 10 acre property between Squaw Creek and Hwy 52 approximately 1/2 mile north of Black Canyon Reservoir, 2 miles southwest of Sweet. The unchanged portion of the right will remain on land just west and south of the applicant's property.

PROPOSED CHANGE OF WATER RIGHT(S)

Michael and/or Mary Young of 11600 Ola Rd, Sweet ID 83670 filed Application No. 74880 to transfer two water rights with 1889 and 1966 priority dates from Squaw Creek totaling 0.86 cfs. The transfer proposes to split the rights and change the place of use for irrigation of 7.7 acres with 0.15 cfs within 8 acres on the applicant's property. M. Blaine and/or Jane Dahstrom of 11300 Sweet Ola Hwy, Sweet ID 83670 filed Application No. 75363 to transfer the same two water rights with 1889 and 1966 priority dates from Squaw Creek totaling 0.86 cfs. The transfer proposes to split the rights, add a point of diversion, and create a permissible place of use for irrigation of 8 acres with 0.16 cfs within 11 acres on the applicant's property. The property involved in these transfers is along the Sweet-Ola Hwy approximately 2 miles north of the intersection of the highway and Brownlee-Liberty Rd on the west banks of Squaw Creek in the Sweet Valley approximately 3 miles north of Sweet. The unchanged portions of the rights will remain on land between the applicants' properties.

* SEE NEXT PAGE FOR REMAINDER OF LEGAL AD.

✓ OK DB 4.9.2010

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PROPOSED CHANGE OF WATER RIGHT(S)

✓ Squaw Creek Ditch Company of 7950 Sweet Ola Hwy, Sweet ID 83670 filed Application No. 76301 to transfer 3 water rights with 1893 to 1934 priorities from Squaw Creek totaling 28.94 cfs for irrigation. The purpose of the transfer is to add 1 pump diversion on Squaw Creek downstream from the main diversion point for the ditch and amend the place of use. This is to help a ditch member receive water shares directly from the creek (6 inches or 0.12 cfs) and use those shares on property currently outside the current place of use digital boundary. The pump will be on the creek at the north end of Sweet. Diversion at the main ditch will be reduced by an equivalent amount.

PROPOSED CHANGE OF WATER RIGHTS

✓ The Russell Subdivision, c/o Clara Brinkerhoff of 1951 Fenton Dr, Emmett, Idaho, filed Application Nos. 75809 and 75810 to transfer 2 water rights with 1956 and 1957 priority dates from ground water totaling 0.52 cfs. The purpose of the transfer is to reconfigure the diversion and delivery system for the subdivision and split the current system into 2 separate systems. One of the systems will serve the North 6 lots and use the 2 existing wells as points of diversion and the other system will serve the South 6 lots and will drill a new well as the point of diversion. There is no increase in the quantity of water proposed. Water will continue to be used at the current place of use 0.5 miles north of the City of Emmett.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Idaho Code § 42-211 / § 42-222. For specific details regarding the application, please contact the Idaho Department of Water Resources (IDWR) Western Region at 208-334-2190 or visit www.idwr.idaho.gov with details provided under "new water right applications." Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 4/5/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director
Published on 3/17 & 3/24/2010

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✓ OK DB 4-9-2010